



Ninety-Eighth Legislature - First Session - 2003
Committee Statement
LB 667

Hearing Date: February 5, 2003

Committee On: Health and Human Services

Introducer(s): (Jensen, Aguilar, Byars)

Title: Change health and human services provisions relating to assistance dogs, disease exposure, respiratory care, infectious diseases, and a termination date

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

4	Yes	Senator Jensen, Byars, Maxwell and Johnson
	No	
2	Present, not voting	Senator Cunningham and Stuthman
1	Absent	Senator Erdman

Proponents:

Senator Jensen
Leigh Heithoff

Representing:

Introducer
Self

Opponents:

Bob Hallstrom

Representing:

Nebraska Pharmacists Association

Neutral:

Rose Dymacek

Representing:

Traumatic Brain Injury State Grant Program

Summary of purpose and/or changes: The bill changes various health and human services provisions relating to infectious disease exposures, trainers of services dogs for the disabled, and respiratory care, and outright repeals sections relating to the Community-Based Neurobehavioral Action Plan Act and the Parkinson's Disease Registry Act.

Infectious Disease Exposure

LB 667 amends various provisions within sections 71-507 to 71-513 relating to the reporting of significant exposures to infectious diseases or conditions. See also LB 55 (2003) introduced by Senator Byars.

The bill includes "public safety officials" who are not engaged in activities as an "emergency services provider" within the scope of such sections. Under section 71-510, with respect to any public safety official who believes he or she has had a significant exposure to an

infectious disease or condition: (1) the official or his or her employer may request that the person suspected of having the disease or condition consent to diagnostic blood testing, or (2) if consent is refused, to petition the district court for an order mandating such testing.

In the definition of “emergency services provider” in section 71-507, the bill adds the phrase “paid or volunteer” before the term “firefighter.” The change clarifies that both paid and volunteer firefighters are included in the term “firefighter” as used in the definition.

The bill adds hepatitis C within the definition of “infectious disease or condition” in section 71-507, and in two other places within section 71-510. The addition expands the kinds of diseases and conditions for which testing may be requested or mandated by the court under sections 71-507 to 71-513.

Trainers of Service Dogs for the Disabled

The bill amends section 20-127 relating to access by disabled persons to “full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, any other public conveyance or mode of transportation, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitation established by law and applicable alike to all persons.” See also LB 390 (2003) introduced by Senator Aguilar.

Section 20-127(3) confers a right upon a totally or partially blind person to be accompanied by a dog guide, a hearing-impaired person to be accompanied by a hearing aid dog, and a physically disabled person to be accompanied by a service dog in any of the places listed in section 20-127(2) without having to pay an extra charge for such dog. Such disabled persons are also liable for any damages done to premises or facilities by such dogs.

LB 667 confers the same rights and liabilities upon trainers of such dogs. Anyone who interferes with rights granted under sections 20-127 and 20-131.01 is guilty of a Class III misdemeanor.

Respiratory Care

The bill provides an exception from respiratory care licensure provisions for “the performance of oxygen therapy or the initiation of noninvasive positive pressure ventilation by a registered polysomnographic technologist relating to the study of sleep disorders, if such procedures are performed or initiated under the supervision of a licensed physician at a facility accredited by the American Academy of Sleep Medicine.”

Brain Injury and Parkinson’s Disease Registry

The bill outright repeals obsolete provisions of the Community-Based Neurobehavioral Action Plan Act and repeals section 81-6,110 to remove a termination date of June 30, 2003 for the Parkinson’s Disease Registry Act.

Explanation of amendments, if any: The committee amendment (AM 484) makes technical changes to the bill as introduced. With respect to service dogs for the disabled, it changes the term “hearing-impaired” to “deaf or hard of hearing,” adds the term “bona-fide” before the term “trainer,” and changes the term “hearing aid dog” to “hearing dog.” The amendment changes terminology to reflect current usage, and requires the accommodated activity to have a bona fide purpose.

Relating to infectious disease exposures, the amendment includes “civilian law enforcement employees or volunteers” to the definition of “public safety officials” in section 71-507 as amended in the bill. The committee amendment expands the list of persons permitted to seek testing relating to a possible significant exposure to an infectious disease or condition.

With respect to provisions of the bill relating to the Parkinson’s Disease Registry, the committee amendment requires that costs associated with administration of the Parkinson’s Disease Registry Act be paid from cash funds, contract receipts, gifts, and grants, and prohibits the payment of such costs from the General Fund. All duties related to administration of the registry and the act will cease as of June 30 of any year in which the department does not have sufficient funds on hand to perform its duties under the act for the next fiscal year upon 30 days written notice to each approved researcher contracting with the department under the act. The amendment also deletes the current criminal penalty for failing to report as required under the act.

Senator Jim Jensen, Chairperson